

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Council Chambers, Fourth Floor, 2 High Street, Perth on Wednesday 12 December 2012 at 9.30am.

Present: Councillors T Gray, B Band, H Anderson, A Gaunt, J Giacopazzi (with the exception of Art. 614(3)(i)), C Gillies, J Kellas, M Lyle and G Walker.

In Attendance: N Brian, A Condliffe, J Thomson, J Robinson, K Steven, N Moran and G Peebles (all The Environment Service); C Elliott and Y Oliver (both Chief Executive's Service).

Apologies: Councillors M Barnacle, I Campbell, A Jack and A Livingstone.

Councillor T Gray, Convener, Presiding.

611. DECLARATIONS OF INTEREST

Councillor J Giacopazzi made a non-financial declaration of interest in item 614(3)(i) – 12/01578/LBC in terms of the Councillors' Code of Conduct.

612. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Control Committee of 28 November 2012 was submitted, approved as a correct record and authorised for signature.

613. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning application:

| Planning Application No. | Article No. |
|--------------------------|-------------|
| 12/00304/FLL | 614(2)(i) |
| 12/01679/FLL | 614(3)(ii) |

In terms of Standing Order 19, the Committee unanimously agreed to hear the deputations in the order of business.

614. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **12/01246/FLM – MEIGLE – Erection of two poultry sheds (to house broiler chickens) and associated works – Land at Bankhead of Kinloch Farm, Meigle – Messrs George McLaren - Report 12/566**

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. The 4 biomass unit and enclosures detailed on the submitted plans are hereby not approved.
3. Prior to the commencement of construction of the new buildings, details of the colour, form and profile of the cladding material proposed as a finish to the new buildings and silo's shall be submitted to and approved in writing by the Council as Planning Authority. The completed development shall strictly accord with those details approved and shall be so maintained at all times thereafter.
4. Prior to the commencement of site works landscaping details shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted, and the scheme as approved shall be carried out and completed within six months of the first building hereby approved being first brought into use. The completed development shall strictly accord with those details approved and any tree, plant or shrub which, within a period of five years from planting dies becomes damaged or diseased shall be replaced with others of a similar size and species unless otherwise agreed in writing by the local Planning Authority.
5. Prior to the new buildings hereby approved being first brought into use details of the proposed means of external lighting of the buildings and yard (number of new light units, their location, luminance, direction of light and the extent of any light spill) shall have been submitted to and approved in writing by the Council as Planning Authority. The completed development shall strictly accord with those details approved and shall be so retained at all times thereafter unless otherwise agreed in writing.

6. The only HGV movements allowed on site between the hours of 23:00 and 07:00 are those connected with the collection of birds for slaughter and they will be limited to only 5 nights in a 7 week cycle, unless otherwise agreed in writing, in advance, by the Council as Planning Authority.
7. During construction phase the detailed mitigation measures set out at Section 9 of the submitted ES in relation to the protection of water voles; otters and badgers and wetland habitat (lighting) shall be put in place and retained throughout the build programme, unless an appropriate alternative is agreed in writing by the Council as Planning Authority.
8. Storm and surface water drainage from all new paved surfaces and buildings including the new road, shall be disposed of by means of suitable sustainable urban drainage systems to avoid run-off to River Isla and to meet the requirements of best management practices.
9. At least two months prior to the commencement of any works, a full site specific construction method statement identifying all measures to prevent surface water and debris run off from the site and silting of the River Tay SAC shall be submitted for the written approval of the Council as Planning Authority in consultation with SNH. All work shall be carried out in accordance with the approved plan unless otherwise agreed in advance by the Council as Planning Authority.
10. No development shall commence until a post-excavation research design with associated timescales for implementing a post-excavation analyses and publication has been submitted to and approved in writing by the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the post-excavation research design shall be fully implemented all to the satisfaction of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Procedural Note

In accordance with Part 7(26) of the Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2011, the Council's decision on this EIA application is required to be notified to:

- Scottish Ministers;
- All consultees; and
- The public through Newspaper announcement.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
5. The applicant is reminded of the need for a permit from SEPA Pollution Prevention Control Scotland Regulations 2000.
6. The applicants attention is directed to the comments of Scottish Water in relation to water supply and storage.

(2) Local Applications

- (i) 12/00304/FLL – ERROL – Demolition of buildings and erection of five dwellinghouses at Myreside Farm, Errol – Caledonian Trust plc – Report 12/567**

Mr I Gaul, agent on behalf of the applicant and Mr D Allan and Ms M Webb, objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public bench.

Motion (Councillors J Kellas and J Giacobazzi) – Grant, subject to the conditions contained in Report 12/567.

Amendment (Councillors C Gillies and H Anderson) – Defer, for the submission of further information relating to flooding and drainage issues.

Motion – 4 votes

Amendment – 5 votes

Resolved:

In accordance with the Amendment.

- (ii) **12/01736/FLL – FEARNAN – Modification of existing consent – (06/02735/MOD) – to include amended layout and design of units, replacement of commercial block with reception building and revision of Condition 21 (restriction to holiday occupation) at former Tigh Na Loan Hotel, Tigh Na Loan, Fearnan – Shoreside Homes – Report 12/568**

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. A detailed phasing plan for the landscaping shown on drawing (12/01736/2) and planting detail (12/01736/8) shall be submitted for the further written approval of the Planning Authority. This phasing plan shall indicate when each area of planting is proposed and the details as agreed shall be strictly adhered to during the development of the site. The landscaping shall also be maintained on site in perpetuity all to the satisfaction of the Council as Planning Authority. Any planting failing to establish within 5 years shall be replaced with planting of a similar size and species in the next available planting season.
3. Prior to the occupation of any property hereby approved, the applicant shall submit full details of the management/title deeds which links every property to the wider Shoreside site. These details shall be submitted and agreed in writing with the Planning Authority prior to the occupation of any of the new properties. Every property on the application site shall enter into this management agreement and be subject to these title deeds. This agreement between the Applicant (or successor) and each property owner shall be maintained in perpetuity.
4. A 1.8 metre wide footway constructed to the standard and specifications required by the Council as Roads Authority

shall be provided along the south boundary of the site as indicated on the approved site plan (12/01736/2) to the satisfaction of the Council as Planning Authority. The footpath shall be formed prior to the occupation of the first unit hereby approved under this consent.

5. A cycle parking facility for a minimum of 10 cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.
6. "Pick up and drop off" areas for bus passengers shall be provided on both sides of the A827 public road adjacent to the access to the development. The areas shall be a minimum of 4 metre long by 1.8 metre wide kerbed and surfaced to the requirements of the Council as Roads Authority to the satisfaction of the Planning Authority. This area shall be formed prior to the completion of the development hereby approved.
7. Prior to the commencement of any development on site details of a street light system designed to EN 13201 / BS 5489 to be provided over the length of new footway shall be submitted for the written approval of the Planning Authority. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution'. The details as agreed shall be implemented as part of the site development and completed in its entirety prior the occupation of the first unit approved under this consent.
8. Prior to the commencement of development details of the materials and colour of all the proposed finishes for the development shall be submitted and approved in writing by the Council as Planning Authority.
9. The development hereby approved shall be connected to the private drainage system approved as part of application 06/02735/MOD and referred to specifically in the letter from Scott Bennett Associates dated 19 August 2010. All drainage works shall follow the phases outlined in the letter.

Justification

The alterations to the design and layout are considered to comply with the adopted Highland Area Local Plan and Tayplan 2012. Whilst the alterations to the occupancy condition raise concerns regarding enforceability and compliance with policy taking account of material considerations, including the previous approvals of a similar nature in the local area they are considered sufficient to justify an approval in this instance.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person

undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

(iii) 12/01757/FLL – LONGFORGAN – Alterations to remove leylandi hedge at land 10 metres east of The Avenue and 10 metres north of Castle Road, Longforgan – Stewart Milne Homes – Report 12/569

Resolved:

Grant, subject to the following conditions and additional Condition 4 as undernoted:

1. The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. The landscaping and planting scheme for the site which is hereby approved shall be implemented and thereafter maintained in perpetuity.
3. Any compensatory planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.
4. No trees shall be lopped, topped or felled during the period of 1 March to 30 August in any year.

Justification

The proposal is considered to be in accordance with the Development Plan and there are no overriding material reasons that justify departing from the Plan.

Informative

As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

COUNCILLOR J GIACOPAZZI LEFT THE CHAMBERS AT THIS POINT.

(3) Applications with Council Interest

- (i) 12/01578/LBC – MILNATHORT – Alterations and replacement windows at Milnathort Town Hall, 1 New Road, Milnathort – Milnathort Town Hall Association – Report 12/570**

Resolved:

Grant, subject to the following conditions:

1. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
2. The new facing masonry shall match the existing masonry adjacent in respect of type, colour, texture, face bond and pointing, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.
3. Details in respect of the following shall be submitted to and approved in writing by the Council as local Planning Authority before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details.
 - a. Details of the proposed replacement stone to be used in repairs, including evidence of petrographic matching to ensure as close a match in appearance and weathering qualities as possible.
 - b. Specification and method statements for lime putty, mortar repairs and repointing.
 - c. Details of the Rinceau work repair including specifications and method statements from a suitably qualified conservation professional.
 - d. Details of secondary glazing to historic window openings.
 - e. Sample of proposed slate for the new boiler house roof.
4. No works authorised by this consent shall take place until the applicant has implemented a programme of building recording and analysis. This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the Council as local planning authority. A copy of the resulting survey shall be deposited in the local Sites and Monuments Record upon completion.

5. Window numbers W.02, W.11 and W.12 shall be retained to the satisfaction of this Council as Planning Authority.
6. Door number D.01 shall be refurbished unless evidence is provided that this is not possible, to the satisfaction of this Council as Planning Authority, in which case the replacement shall match the existing in terms of design and material.

Justification

It is considered that the development complies with the relevant provision of the adopted local plan as well as the listed building legislation and supplementary planning guidance.

Procedural Note

Milnathort Town Hall is a category B listed building and this application requires to be referred to Historic Scotland for determination.

Informative

This listed building consent will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 (3) of the Planning etc. (Scotland) Act 2006.

COUNCILLOR J GIACOPAZZI RETURNED TO THE CHAMBERS AT THIS POINT.

- (ii) **12/01679/FLL – AUCHTERARDER – Construction of a new link road, modification of roundabout, removal of footbridge, enlargement of existing car park and associated works at Gleneagles Station, Auchterarder – Perth and Kinross Council – Report 12/571**

Mr E Mackintosh, objector to the application, addressed the Committee, and, following his representation, withdrew to the public benches.

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
2. All matters regarding access, car parking, road layout, design and specification (including street lighting and disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority.

3. No part of this development shall proceed until such time as the necessary Departures from Standards have been approved by Transport Scotland.
4. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.
5. Prior to commencement of work on site the applicant shall provide details of the street lighting proposed for the approval of the Planning Authority.
6. Prior to commencement of work on site a fully detailed landscaping scheme shall be submitted for the approval of the Planning Authority which shall include hard and soft landscaping, boundary treatments, tree removal and tree/shrub planting, and particularly including these proposals within the vicinity of Caledonian Cottage.
7. Prior to commencement of work on site details and samples of surfacing materials for the landscaped areas adjacent to the station shall be submitted for the approval of the Planning Authority.
8. Surface water drainage for the development shall be implemented in accordance with the SEPA approved Drainage Proposals by Halcrow dated 11 July 2012.
9. Prior to commencement of work on site a fully detailed Construction Method Statement for the development hereby approved shall be submitted for the approval of the Planning Authority. This will include the proposed days and hours of road construction works for the approval of the Planning Authority.
10. Prior to commencement of work on site the applicant shall carry out a Noise Impact Assessment and confirm in writing suitable mitigation measures to be approved with the Planning Authority.

Justification

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. This is approval of your application Ref no 12/01679/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 12/01680/LBC. You should therefore not commence any removal work on the disused footbridge until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.

(iii) 12/01680/LBC – AUCHTERARDER – Removal of pedestrian footbridge at Gleneagles Station, Auchterarder – Perth and Kinross Council – Report 12/572

Resolved:

Grant, subject to the following conditions:

1. In dismantling the footbridge the applicant shall ensure that damaged/lost sections of the footbridge will be

- minimised as far as possible and that the sections will be cut/disconnected in such a way as to permit reassembly later to the satisfaction of the Planning Authority.
2. The surviving canopy area at the station end of the footbridge shall be included for salvage to the satisfaction of the Planning Authority.
 3. Prior to dismantling the footbridge a complete and fully detailed method statement shall be submitted for the approval of the Planning Authority once investigative works have been carried out.
 4. Once removed the applicant shall confirm in writing to the Planning Authority that safe storage of all removed historic fabric is in place until an alternative appropriate use for them has been found.
 5. The applicant shall confirm in writing to the Planning Authority that an alternative appropriate use for the historic fabric has been found.
 6. A fully detailed method statement and specification for all necessary stonework and render repairs following removal of the footbridge shall be submitted for approval of the Planning Authority.

Justification

The proposal is considered to have a significant effect on the building's special interest, but it is believed this intervention enabling the wider proposal will offer significant benefits to economic growth and the wider community.

Procedural Notes

Gleneagles Station is a category B listed building and this application requires to be referred to Historic Scotland for determination.

Informatives

This listed building consent will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 (3) of the Planning etc. (Scotland) Act 2006).